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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
JOHN J. DOWNING, M.D.,	:	
RESPONDENT.	:	ORDER 0000152

Division of Enforcement Case No. 07 MED 131

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

John J. Downing, M.D.
580 N. Washington Street
Janesville, WI 53547

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. John J. Downing, M.D. (DOB April 17, 1952) is duly licensed and currently registered to practice medicine and surgery in the state of Wisconsin under license number 24906-20. This license was first granted on October 22, 1982. Respondent's specialty is ophthalmology.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 580 N. Washington Street, Janesville, Wisconsin 53547.

3. While not admitting the allegations, in the interest of resolving this matter, Respondent consents to the entry of the following Findings of Fact, Conclusions of Law and Order.

4. On February 15, 2007, Patient JR, a 79 year old male, presented at the Beloit Hospital Emergency room after a fall which caused him to have trauma to the right eye. The patient was evaluated, diagnosed with hyphema and a right eye laceration was sutured. Patient JR was also referred to Respondent's office at Dean Riverview Clinic the following day, February 16, 2007, for further evaluation.

5. On February 16, 2007, Respondent examined the patient and found an extensive subconjunctival hemorrhage in the right eye. An extremely dense vitreous hemorrhage totally obscured the view of the retina and made a dilated retinal examination impossible. Low pressure in the right eye, pain on movement of the eye and a slight decrease in elevation was also noted. Respondent suspected a possible posterior rupture of the globe. Respondent referred the patient to a retinal specialist at the University of Wisconsin and an appointment was scheduled for February 19, 2007.

6. Patient JR's condition, as assessed by Respondent on February 16, 2007, was emergent in nature and required immediate further assessment and treatment to avoid the risk of a possible ruptured globe, infection, and loss of vision.

7. On February 19, 2007, Patient JR was seen by a retinal specialist at the University of Wisconsin. Medical records for that date state Patient JR's prognosis was poor and that he would require surgical repair for any chance of visual recovery.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct in failing to immediately address Patient JR's symptoms is a violation of Wis. Stats. § 448.02 (3) and Wis. Admin. Code § Med 10.02(2)(h).

ORDER

IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that John J. Downing, M.D., is LIMITED as follows:

1. Within 9 months of the date of this Final Decision and Order, Respondent shall take and complete 8 hours of continuing education in the diagnosis and treatment of acute eye trauma emergencies. The course or courses attended in satisfaction of this Order must be pre-approved by the Medical Examining Board or its designee. Respondent will be responsible for locating a

course or courses satisfactory to the Medical Examining Board and for obtaining the required approval of the course or courses from the Medical Examining Board or its designee. Respondent will within 30 days of completion of this educational requirement, file an affidavit with the Medical Examining Board stating under oath that he has attended in its entirety the course approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization. Requests for preapproval, the affidavit of attendance and the supporting documentation of attendance will be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

All certifications, affidavits or other documents required to be filed with the Medical Examining Board will be deemed filed upon receipt by the Department Monitor.

2. Respondent will be responsible for paying the full cost of attendance at this course. Respondent will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of the Wis. Stat. § 448.13 biennial training requirements.

IT IS FURTHER ORDERED that:

3. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of seven hundred (\$700.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the address provided above.

4. In the event Respondent fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (#24906-20) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

5. Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

6. This Order is effective on the date of its signing.

MEDICAL EXAMINING BOARD

By:  MD MBA
A Member of the Board

4/21/10
Date